

**IN THE UNITED STATES DISTRICT COURT FOR  
DISTRICT OF MASSACHUSETTS**

**JOSEPH MANTHA, individually  
and on behalf of a class of all  
persons and entities similarly situated,**

**Plaintiffs,**  
**vs.** **Civil Act No: 1:19-CV-12235-LTS**  
**QUOTEWIZARD.COM, LLC,**  
**Defendant.**

**LONG-FORM NOTICE**

**If you received a text message from QuoteWizard's vendor Drips, LLC promoting the sale of QuoteWizard's goods or services, a class action lawsuit may affect your rights.**

- A Federal Court authorized this Notice. You are not being sued. This is not a solicitation from a lawyer.
- A lawsuit has been filed against QuoteWizard.com, LLC ("QuoteWizard") claiming it authorized a company named Drips, LLC ("Drips") to send texts messages promoting the sale of QuoteWizard's goods or services, including to individuals who were on the National Do Not Call Registry. QuoteWizard denies any wrongdoing and is vigorously defending the lawsuit.
- The Court has decided this lawsuit should be a class action on behalf of persons who received two or more telemarketing texts in a twelve-month period, at a number on the National Do Not Call Registry, from Drips promoting the sale of QuoteWizard goods or services.
- The Court has not yet decided whether QuoteWizard did anything wrong. There is no money available now and no guarantee that there will be. Your legal rights are affected, however, and you have a choice to make now as described in the below table.

**YOUR LEGAL RIGHTS AND OPTIONS IN THIS LAWSUIT:**

|                           |   |
|---------------------------|---|
| <b>DO NOTHING</b>         | <p><b>Stay in this lawsuit. Await the outcome. Give up certain rights.</b><br/>           By doing nothing, you automatically keep the possibility of getting money or benefits that may come from a trial or settlement. You will give up any rights to separately sue QuoteWizard about the matters involved in this lawsuit.</p> |
| <b>ASK TO BE EXCLUDED</b> | <p><b>Get out of this lawsuit. Receive no benefits from it. Keep rights to sue.</b><br/>           If you ask to be excluded and money benefits are later awarded, you won't share in those. You will keep any rights to separately sue QuoteWizard about the same matters in this lawsuit.</p>                                     |

- Your options are explained in this Notice. To ask to be excluded, you must act before [DATE]. To remain a part of the lawsuit and potentially become a Class Member, you do not need to do anything.
- If this case is not dismissed, resolved by motions, or settled before trial, Plaintiff's lawyers must prove the claims against QuoteWizard. If money or benefits are obtained from QuoteWizard, you will be notified about how to potentially receive a share.

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## BASIC INFORMATION

### **1. Why was this Notice issued?**

The Court authorized this Notice to let you know that the Court has certified (or, allowed to proceed) a class action lawsuit that may affect you. You have legal rights and options that you may exercise, as described here. Judge Leo T. Sorokin of the United States District Court for the District of Massachusetts is overseeing this class action. The lawsuit is known as Mantha, v. QuoteWizard.com, LLC, Case No. 1:19-CV-12235-LTS.

### **2. What is this lawsuit about?**

This lawsuit claims that Plaintiff Joseph Mantha, and others received multiple telemarketing sales texts promoting QuoteWizard's goods or services from QuoteWizard's vendor Drips, despite being on the National Do Not Call Registry.

The lawsuit claims that, because of these texts, QuoteWizard violated the Federal Telephone Consumer Protection Act, 47 U.S.C. § 227 (TCPA) because it prohibits telemarketing texts to people on the National Do Not Call Registry.

### **3. What is a class action and who is involved?**

In a class action, a person called the "Class Representative" (in this case, Joseph Mantha) sues on behalf of a group of people who have similar claims. The people together are a "Class" or "Class Members." The individuals who sue and all the Class Members like them are called the Plaintiffs. The company they sue (in this case, QuoteWizard) is called the Defendant. In a class action, the court resolves the issues for all Class Members, except for those who exclude themselves from the Class.

### **4. Why is this lawsuit a class action?**

The Court decided that this lawsuit can be a class action because it meets the requirements of Federal Rule of Civil Procedure 23, which governs class actions in federal courts. In a class action a person called a "Class Representative" (in this case Joseph Mantha) sues on behalf of other people who have similar claims. The people together are a "Class" or "Class Members." One court resolves the issues for everyone in the Class. Judge Leo T. Sorokin is in charge of this class action.

The Court certified the class described below in the answer to Question 10.

Additional information about the Court's reasons for allowing the lawsuit to be a class action is available in the Court's Order on Motion to Certify the Class (Doc. No. 339) and Motion to Exclude Testimony of Anya Verkhovskaya (Doc. No. 349), dated August 16, 2024, which is available at **WEBSITE** in the Court Documents section.

## THE CLAIMS IN THE LAWSUIT

## 5. What are the Plaintiff's claims made in the lawsuit?

The claims made by the Plaintiff in this lawsuit are described above in the answer to Question 2. For additional information, you can read a copy of the Plaintiff's Amended Complaint, which is available in the Court Documents section of **WEBSITE**.

## 6. What does QuoteWizard say about Plaintiff's claims?

QuoteWizard denies that it did anything wrong or violated any law and denies that it can be held liable. You can read a copy of QuoteWizard's Answer to Plaintiff's Amended Complaint, which is also available in the Court Documents section of the website.

## 7. Did the Court decide who is right?

The Court has not decided whether Plaintiff or QuoteWizard is correct. By certifying the Class and issuing this Notice, the Court is not suggesting that the Plaintiff will win or lose his case. Unless the case settles, Plaintiff must prove his claims at a trial or through legal motions to recover money.

## 8. What is the Plaintiff asking for?

Plaintiff is asking the Court to award each Class Member monetary damages of \$500 per text received from Drips promoting the sale of QuoteWizard's goods or services. If Plaintiff is able to show that QuoteWizard "willfully" or "knowingly" violated the TCPA, he will ask for up to \$1,500 per Class Member, per violation. Plaintiff is also asking the Court to enter an order prohibiting QuoteWizard from violating the TCPA in the future.

## 9. Is there money available now?

No money or benefits are available now because the Court has not decided whether QuoteWizard did anything wrong, and the two sides have not settled the case. There is no guarantee that money or benefits will ever be obtained. If they are, you will be notified about how to share in them.

## WHO IS IN THE CLASS

## 10. Am I part of the Class?

The Class certified by the Court consists of all persons within the United States (a) whose telephone numbers were listed on the Do-Not-Call Registry, and (b) who received more than one telemarketing text within any twelve-month period at any time from Drips, (c) to promote the sale of QuoteWizard goods or services, and (d) whose numbers are included on the Class List.

**You are a class member if:** your telephone number was on the National Do Not Call Registry for at least 30 days, and you received telemarketing texts from Drips to promote the sale of QuoteWizard goods or services two or more times in a twelve-month period and your number is listed on the Class List.

You were identified based upon your telephone number and address as it appeared in Drips's records, in which case you would likely have received a postcard in the mail notifying you of this action. If you did not receive a postcard in the mail, you may still be part of the Class if your number appears in Drips's records and you are on the Class List. If you have any questions about how to obtain this information, please call or email the lawyers or the Class Action Administrator at the number and address listed in the answer to Question 20.

## YOUR RIGHTS AND OPTIONS

You have a choice to make now about whether to stay in the Class or ask to be excluded before the trial.

### 11. What happens if I do nothing?

If you are a Class member, by doing nothing you will stay in the Class. If you stay in the Class and the Plaintiff obtains money or benefits, either as a result of any trial or settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you are a member of the Class and you do nothing now, regardless of whether the Plaintiff wins or loses the legal motions or trial, you will not be able to separately sue or continue to separately sue QuoteWizard about the same telemarketing texts and legal claims that are the subject of this lawsuit. This means that if you do nothing, you may not be able to sue QuoteWizard for TCPA violations based on texts from QuoteWizard. You will also be legally bound by all of the Orders the Court issues and judgments the Court makes in this class action.

### 12. Why would I ask to be excluded?

If you already have your own lawsuit against QuoteWizard for the same types of texts made during the same time period, concerning the National Do Not Call Registry, and want to continue with it, you need to ask to be excluded from the Class. If you exclude yourself from the Class—sometimes called “opting-out” of the Class—you won’t get any money or benefits from this lawsuit if any are awarded or obtained at trial or through any settlement that may or may not be reached between QuoteWizard and the Plaintiff. However, you may be able to separately start your own lawsuit against, or continue to separately sue, QuoteWizard for the texts at issue in this case. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against QuoteWizard after you exclude yourself, you’ll have to hire and pay your own lawyer for that lawsuit, and you’ll have to prove your claims.

### 13. How do I ask to be excluded from the Class?

To exclude yourself from the Class, you must mail or otherwise deliver a letter (or request for exclusion) stating that you want to be excluded from *Mantha, v. QuoteWizard.com, LLC*, Case No. 1:19-CV-12235-LTS. Your request for exclusion must include your name and address, the phone number that received the calls at issue, and your signature. You must mail your exclusion request to: *Mantha v. QuoteWizard, EXCLUSIONS, c/o* [REDACTED] by mail, postmarked no later [DATE].

## THE LAWYERS REPRESENTING YOU

#### **14. Do I have a lawyer in the case?**

Yes. The Court has appointed a team of lawyers from the firms Bailey & Glasser, LLP; Broderick Law, PC; Law Office of Matthew McCue, and Paronich Law, PC to represent the Class. They are called “Class Counsel.” They are experienced in handling similar class action cases.

#### **15. Should I get my own lawyer?**

You do not need to hire your own lawyer because Class Counsel is working on your behalf. You may seek the advice and guidance of your own lawyer, if you wish, at your own expense.

#### **16. How will Class Counsel be paid?**

If Class Counsel obtains money or benefits for the Class, they may ask the Court for attorneys' fees and expenses. You won't have to pay these fees and expenses. If the Court grants Class Counsel's request, the fees, and expenses would generally be deducted from any money obtained for the Class or paid separately by QuoteWizard.

### **THE TRIAL**

#### **17. How/when will the Court decide who is right?**

If the case is not decided through legal motions or settled, Class Counsel will have to prove the Plaintiffs' claims at a trial. The trial will be heard at United States District Court, in Boston, Massachusetts. The trial date has not yet been set by the Court. During the trial, a Jury or the Judge will hear all of the evidence to reach a decision about whether the Plaintiff or QuoteWizard is right about the claims in the lawsuit. There is no guarantee that the Plaintiff will win or that he will get any money for the Class.

#### **18. Do I have to come to the trial?**

You do not need to attend the trial. Class Counsel will present the case for the Plaintiff and QuoteWizard will present its defenses. You are welcome to attend at your own expense.

#### **19. Will I get money after the trial?**

If the Plaintiff obtains money or benefits at trial or through a settlement, you will be notified about how the money or benefits will be distributed to class members and provided with information on your options at that time. Currently, we do not know if any benefits will be available or how long this process will take.

### **GETTING MORE INFORMATION**

#### **20. Where can I get more information?**

The website **WEBSITE** contains several court documents that provide additional information

about the case. This website will be updated with the most current information about the lawsuit as it becomes available. You may also write with questions to [ManthaLawyers@baileyglasser.com](mailto:ManthaLawyers@baileyglasser.com), or to [info@WEBSITE](mailto:info@WEBSITE). You may call Class Counsel at [1-xxx-xxx-xxxx](tel:1-xxx-xxx-xxxx), if you have any questions. Before doing so, however, please read this full Notice carefully.